

ZASTROW EXHIBIT 13

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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MINNESOTA

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4 LeMOND CYCLING, INC.,

5 Plaintiff,

6 vs.

Case No. 08-1010

7 TREK BICYCLE CORPORATION,

8 Defendant/Third-Party

9 Plaintiff,

10 vs.

11 GREG LeMOND,

12 Third-Party Defendant.
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14

15 Video Deposition of JOHN BURKE

16 Tuesday, April 7, 2009

17 9:31 a.m.

18 at

19 GASS WEBER MULLINS, LLC
20 309 North Water Street, Suite 700
21 Milwaukee, Wisconsin 53202
22

23 Reported by Julie K. Lyle, RPR/RMR/CRR
24
25

1 A Well, yeah.

2 Q -- you've moved away from what your dad did?

3 A No, that's not the case. Because my dad was
4 intimately involved in the LeMond shenanigans
5 over the years. And, in fact, shortly before he
6 went into the hospital, he and I had a
7 conversation where we decided that we were going
8 to put an end to the LeMond agreement and we were
9 not going to renew the contract in 2010.

10 One of the reasons was is my dad
11 was just very disappointed with Greg's behavior
12 and how at time and time again Greg would say he
13 was going to do one thing, give us his word, and
14 then he would do something completely different.
15 All right?

16 He and I had that conversation in
17 October of 2007. And then we did the honorable
18 thing. I met with Greg and I said, listen, Greg,
19 we obviously have two different views here.
20 We're going to go a different way. We hope -- we
21 want -- we wish you the best of luck, but I want
22 to let you know now we're not going to renew the
23 contract after 2010. We're going to honor the
24 contract, but this will allow you some time to go
25 out there and put together another deal or do

1 whatever you want to do.

2 Q Was your dad in favor of noticing the breach of
3 contract in 2004?

4 A I'm sure that he was.

5 Q Okay. You don't remember, though, for certain?

6 A I do not remember. But just like I said, he
7 loved negotiating and contracts. He would have
8 been aware of litigation there. He hated
9 litigation. We did everything we could before
10 we'd get into litigation.

11 Q He was obviously a wise man?

12 A He was.

13 Q The -- do you recall he had communications with
14 different board members in 2004 that were trying
15 to dissuade you from noticing a breach in 2004?

16 A I'm not aware of that.

17 Q Do you recall any e-mails to that effect with
18 you?

19 A Not to the best of my knowledge.

20 Q Do you recall any communications that he had with
21 you in 2004 where he said, you know, son, I think
22 you're going to have to listen to the board with
23 respect to what you want to do with LeMond, or
24 words to that effect?

25 A I'm not sure. I'm sure there might be a